

Exhibit A

SUM-100

**SUMMONS - FIRST AMENDED COMPLAINT
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

KAWEAH DELTA MEDICAL CENTER Operated by KAWEAH
DELTA HEALTH CARE DISTRICT, GREGORY WARNER MD, and
DOES 1 - 10

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JUANA B. MARTINEZ as an individual and as Successor-in-interest to the
ESTATE OF DIONICIO SANTILLAN, LUISA PATGHER, and MARIA E.
SANTILLAN

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO)** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California, Tulare
Civil Division, 221 S. Mooney Blvd, Room 201
Tulare, CA 93291

CASE NUMBER:

(Número del Caso): VCU279163

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jeremy M. Dobbins, 1225 E. Divisadero Street Fresno, CA 93721, and (559) 306-6580

DATE: August 7, 2019

(Fecha)

Clerk
Niraj M. Patel
(Secretario)

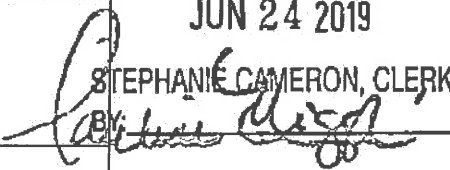
Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**1. ☒ as an individual defendant.2. ☒ as the person sued under the fictitious name of (specify): Doe 13. ☐ on behalf of (specify): Niraj M. Patel, MDunder: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):4. ☐ by personal delivery on (date):☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeremy M. Dobbins SBN 320648 1225 E. Divisadero Street Fresno, CA 93721		FOR COURT USE ONLY FILED TULARE COUNTY SUPERIOR COURT VISALIA DIVISION JUN 24 2019 STEPHANIE CAMERON, CLERK 	
TELEPHONE NO.: (559) 306-6580 FAX NO.: (559) 316-4070 ATTORNEY FOR (Name): Estate Of Dionicio Santillan et. al.		CASE NUMBER: 279143 JUDGE: DEPT:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Tulare STREET ADDRESS: 221 S. Mooney Blvd, Room 201 MAILING ADDRESS: CITY AND ZIP CODE: Tulare and 93291 BRANCH NAME: Civil Division			
CASE NAME: Familia Santillan v. Kaweah Delta			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)			
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)			

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DPD/W (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input checked="" type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPD/W (23) Non-P/DPD/W (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPD/W tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 2: Medical Negligence & NIED
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 24, 2019
 Jeremy M. Dobbins

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint RICO (27)

Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

1. **Plaintiff (name or names):** JUANA B. MARTINEZ as an individual and as Successor-in-interest to the ESTATE OF DIONICIO SANTILLAN, LUISA PATGHER, and MARIA E. SANTILLAN
2. **alleges causes of action against defendant (name or names):**
Kaweah Delta Medical Center, Operated by Kaweah Delta Health Care District, Gregory Warner MD, DOES 1 to 10
3. **This pleading, including attachments and exhibits, consists of the following number of pages:** 7
4. **Each plaintiff named above is a competent adult**

- a. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (specify):
- (5) ☐ other (specify):
- b. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE:

Familia Santillan v. Kaweah Delta

CASE NUMBER:

VCU279163

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Kaweah Della Medical Center ☐ except defendant (name):
- (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☐ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):

(4) ☒ a public entity (describe): (4) ☐ a public entity (describe):
Operated by Kaweah Delta Health Care District a
Political Subdivision of the State of California
(5) ☐ other (specify): (5) ☐ other (specify):
- b. ☐ except defendant (name): d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☐ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
(5) ☐ other (specify): (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 - 5 were the agents or employees of other
named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 6 - 10 are persons whose capacities are unknown to
plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.
b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (specify):
9. ☒ Plaintiff is required to comply with a claims statute, and
- a. ☒ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

Familia Santillan v. Kaweah Delta

CASE NUMBER:

VCU279163

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
 b. ☐ General Negligence
 c. ☐ Intentional Tort
 d. ☐ Products Liability
 e. ☐ Premises Liability
 f. ☒ Other (specify):

Medical Negligence & Negligent Infliction of Emotional Distress

11. Plaintiff has suffered

- a. ☐ wage loss
 b. ☐ loss of use of property
 c. ☒ hospital and medical expenses
 d. ☒ general damage
 e. ☐ property damage
 f. ☒ loss of earning capacity
 g. ☐ other damage (specify):

12. ☒ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
 b. ☒ as follows:

Dionicio Santillan - Decedent
 Juana B. Santillan - Mother of Decedent and Survivor-in-Interest
 Maria E. Santillan - Sister of Decedent
 Luisa Patgher - Sister of Decedent

13. The relief sought in this complaint is within the jurisdiction of this court.

Superior Court of California, Tulare Civil Division

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
 (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
 (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: August 7, 2019

Jeremy M. Dobbins

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 (Rev. January 1, 2007)

COMPLAINT—Personal Injury, Property
Damage, Wrongful Death

Page 2 of 3

PLD-PI-001(2)

SHORT TITLE: Familia Santillan v. Kaweah Delta	CASE NUMBER: VCU279163
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1 (number) **CAUSE OF ACTION—General Negligence** Page 4
(Estate Of Dionicio Santillan v. All Defendants)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Juana B. Martinez as an individual and as the Successor-in-interest to the Estate Of Dionicio Santillan, Luisa Patgher, and Maria E. Santillan
 alleges that defendant (name): Kaweah Delta Medical Center, Operated by Kaweah Delta Health Care District, Gregory Warner MD

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): April 14, 2018 - Negligence was discovered after 9/26/2018.

at (place): Kaweah Delta Medical Center, 400 W. Mineral King Ave, Visalia, CA 93291

(description of reasons for liability): This cause of action incorporates the foregoing allegations in this complaint.

On or about April 14, 2018, Dionicio Santillan coded at Kaweah Delta Medical Center (KDWC) and died of respiratory failure. Mr. Santillan was in respiratory distress for at least 24 hours. Despite numerous requests by his family for him to have his asthma inhaler, staff erroneously ignored those requests, informing family that Mr. Santillan was in fact not in respiratory distress but instead had anxiety. Staff told family that his breathing was part of his "disease process."

Staff told family that they were treating Mr. Santillan with Ativan for his anxiety. This was an error and lack of skill, training, and/or assessment by the Hospital staff, Nursing staff, and treating physicians. This error was not discovered until after Mr. Santillan coded but never revealed to family.

Mr. Santillan suffered greatly for at least 24 hours before his death because he did not receive his inhaler or other measures to help him breathe. In the end he was gasping for air and staff initiated Code Blue measures. This included chest compressions, electro-cardioversion, intubation, and emergency medications causing him additional pain and suffering as a result of not pro-actively managing plaintiff's respiratory needs.

On or about September 26, 2018 the California Department of Public Health completed an investigation survey and sent notice to Mr. Santillan's family notifying them that they found hospital staff to be deficient in planning and implementing care and in administering asthma medications to Mr. Santillan.

As an actual and proximate cause of defendants breach of their duty to provide medical and nursing care at the applicable standard, plaintiff suffered substantial damages. Plaintiff was forced to endure physical, mental, emotional pain and suffering, and subsequently death because of the defendants negligence in an amount to be proved at trial.

(This Attachment may be used with any Judicial Council form.)

SHORT TITLE: Familia Santillan v. Kaweah Delta	CASE NUMBER: VCU279163
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MC-025

ATTACHMENT (Number): 1

Plaintiff is informed and believes that KDMC, directly and vicariously through its staff, breached the applicable standard of care, with which it was duty-bound to comply, and caused decedent's injuries as a result of the following: KDMC failed to take adequate precautions to assure that the plaintiff would not enter severe, damaging, and deadly respiratory distress, and the staff of KDMC were also negligent during the administration of care (or lack of) in assessing, monitoring, reporting, preventing, and treating his respiratory distress and failure.

Plaintiff is informed and believes that Dr. Warner, directly and vicariously through his staff, breached the applicable standard of care, with which he was duty-bound to comply, and caused decedent's injuries as a result of the following: Dr. Warner failed to take adequate precautions to assure that the plaintiff would not enter severe, damaging, and deadly respiratory distress, and the staff of Dr. Warner also were negligent during the administration of care (or lack of) in assessing, monitoring, reporting, preventing, and treating his respiratory distress and failure.

Plaintiff is informed and believes that DOES 1-10 breached the applicable standard of care, with which they were duty-bound to comply, and caused decedent's injuries as a result of the following: DOES 1-10 were the agents or employees of the other named defendants, or provided negligent health care in concert with the named defendants that contributed to the plaintiff's damages. These fictitious defendants will be named in their true identities timely upon the disclosure thereof.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

Form Approved for Optional Use
 Judicial Council of California
 MC-025 (Rev. July 1, 2006)

ATTACHMENT
 to Judicial Council Form

www.courtinfo.ca.gov

SHORT TITLE:

Familia Santillan v. Kaweah Delta

CASE NUMBER:

VCU279163

2

CAUSE OF ACTION — Negligent Infliction of Emotional Distress

(Juana B. Santillan, Maria E. Santillan, Luisa Patgher v. All Defendants)

Page 6

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Juana B. Martinez as an individual and as the Successor-in-interest to the Estate Of Dionicio Santillan, Luisa Patgher, and Maria E. Santillan

alleges that defendant (name): Kaweah Delta Medical Center, Operated by Kaweah Delta Health Care District, Gregory Warner MD

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): April 14, 2018 - - Negligence was discovered after 9/26/2018

at (place): Kaweah Delta Medical Center, 400 W. Mineral King Ave, Visalia, CA 93291

(description of reasons for liability):

This cause of action incorporates the foregoing allegations in this complaint.

On or about April 14, 2018, Dionicio Santillan coded at KDMC and died.

Mr. Santillan was in respiratory distress for approximately 24 hours. Despite numerous requests by his family for him to have his asthma medications, staff erroneously ignored those requests and informed family that Mr. Santillan was in fact not in respiratory distress but instead had anxiety. They were erroneously told by staff that his breathing was part of his disease process.

Staff told family that they were treating Mr. Santillan with Ativan for his anxiety. This was an error and lack of skill, training, and/or assessment by the Hospital staff, Nursing staff, and treating physicians. This error was not discovered until after Mr. Santillan coded and never revealed to his family.

Plaintiff's Juana B. Martinez (Dionicio's mother), Luisa Patgher (Dionicio's Sister), and Maria E. Santillan (Dionicio's Sister) were forced to watch Mr. Santillan gasping for air, collapse in his sister Maria's arms, and then watch staff emergently administer chest compressions, electrocardioversion, and intubation, as they "Coded" him. Family then sat outside his room weeping and in shock as his last moments on earth were unnecessarily spent in agony.

As an actual and proximate cause of defendants' breach of their duty to provide medical and nursing care at the applicable standard, plaintiff's suffered substantial damages. Defendant's reckless below standard care caused plaintiffs to witness their son and brothers' horrible death.

Plaintiff's experienced suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame because of the defendants negligence in an amount to be proved at trial.

SHORT TITLE: Familia Santillan v. Kaweah Delta	CASE NUMBER: VCU279163
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ATTACHMENT (Number): 2

(This Attachment may be used with any Judicial Council form.)

Plaintiffs are informed and believe that Dr. Warner breached the applicable standard of care, with which he was duty-bound to comply, and was a substantial factor in causing plaintiff's to perceive the death of Decedent, Dionicio Santillan as a result of the following: Dr. Warner failed to assess and ensure that the decedent was provided with his asthma medication and other interventions to prevent and reverse his respiratory distress and failure. This caused Santillan to be "coded" in front of the plaintiffs who each suffered severe and serious emotional distress.

Plaintiff is informed and believes that KDMC, directly and vicariously through its staff, breached the applicable standard of care, with which it was duty-bound to comply, and was a substantial factor in causing plaintiff's to perceive the death of Decedent, Dionicio Santillan as a result of the following: KDMC failed to take adequate precautions to assure that the plaintiff would not enter severe, damaging, and deadly respiratory distress; and the staff of KDMC also was negligent during the administration of care (or lack of) in assessing, monitoring, reporting, and treating his respiratory distress and failure. This caused Santillan to be "coded" in front of plaintiff's who each suffered severe and serious emotional distress.

Plaintiff is informed and believes that DOES 1-10 breached the applicable standard of care, with which they were duty-bound to comply, and were a substantial factor in causing plaintiff's to perceive the death of Decedent, Dionicio Santillan as a result of the following: DOES 1-10 were the agents or employees of the other named defendants, or provided negligent health care in concert with the named defendants that contributed to the plaintiff's damages. These fictitious defendants will be named in their true identifies timely upon the disclosure thereof. This caused Santillan to be "coded" in front of the plaintiffs who each suffered severe and serious emotional distress.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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 (Add pages as required)

Form Approved for Optional Use
 Judicial Council of California
 MC-028 (Rev. July 1, 2009)

ATTACHMENT
 to Judicial Council Form

www.courtinfo.ca.gov

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Jeremy M. Dobbins Law Office of Jeremy M. Dobbins 1225 E. Divisadero Street Fresno, CA 93721 Telephone: (559)306-6580 Facsimile: (559)316-4070 ATTORNEY FOR (Name): Dionicio Santillan		STATE BAR NUMBER 320648	<i>Reserved for Clerk's File Stamp</i> FILED TULARE COUNTY SUPERIOR COURT VISALIA DIVISION JUN 21 2021 STEPHANIE CAMERON, CLERK BY: <u>Mark Dimas</u>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE			
COURTHOUSE ADDRESS: 221 South Mooney Boulevard, Visalia, CA 93291			
PLAINTIFF: Juana B. Martinez et al.			
DEFENDANT: Kaweah Delta Medical Center et al.			
AMENDMENT TO COMPLAINT (Fictitious /Incorrect Name)		CASE NUMBER: VCU279163	

☒ **FICTITIOUS NAME (No order required)**

Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME
DOE 1

and having discovered the true name of the defendant to be:

TRUE NAME
Niraj Patel MD

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE June 18, 2021	TYPE OR PRINT NAME Jeremy M. Dobbins	SIGNATURE OF ATTORNEY 
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☐ **INCORRECT NAME (Order required)**

The plaintiff, having designated a defendant in the complaint by the incorrect name of:

INCORRECT NAME

and having discovered the true name of the defendant to be:

TRUE NAME

amends the complaint by substituting the true name for the incorrect name wherever it appears in the complaint.

DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY
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ORDER

THE COURT ORDERS the amendment approved and filed.

Dated

Judicial Officer

AMENDMENT TO COMPLAINT
(Fictitious / Incorrect Name)

Code Civ. Proc., §§ 471.5, 472, 473, 474

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

Case Detail Page

VCU279163

Martinez, Juana B vs. Kaweah Delta Health Care, Inc. et al

Civil: Unlimited-Visalia

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Documents



Documents

Filed	Description	Filed By	Tracking Info
	VCU279163 : Martinez, Juana B vs. Kaweah Delta Health Care, Inc. et al		
	Complaint - PI/PD/WD Tort: Medical Malpractice (45) filed on 06/24/2019		
07/30/2021	Stipulation to Vacate Trial and Related Dates; Setting of New CMC Date Granted	Plaintiff	
07/23/2021	Notice - Other Of State Court Pursuant to 42 U.S.C 233 (1)(1)	Defendant	Served on 07/23/2021
07/22/2021	Notice of Entry of Dismissal and Proof of Service (CIV-120)	Defendant	
07/14/2021	Settlement Conference Statement - Received Only (Confidential)	Plaintiff	
07/12/2021	Settlement Conference Statement - Received Only (Confidential)	Defendant	
07/06/2021	Notice of Hearing New Court Date	Clerk	
06/21/2021	Amendment to Complaint; Naming DOE 1	Plaintiff	

Filed	Description	Filed By	Tracking Info
06/21/2021	Request for Dismissal (CIV-110) Without prejudice, as to Gregory Warner MD ONLY, each party to bear their own costs and fees	Plaintiff	
06/04/2021	Request for Dismissal (CIV-110) as to Gregory Warner MD. Only **	Plaintiff	
03/11/2021	Order petition for writ of mandate. Denied	Court of Appeals	
09/23/2020	Deposit of Fees	Clerk	
09/23/2020	Document Other Jury Fee Deposit obo Gregory Warner, M.D.	Defendant	
09/21/2020	Mediation Referral	Clerk	
09/08/2020	Case Management Statement (CM-110)	Plaintiff	
09/04/2020	Case Management Statement (CM-110) Warner, Gregory MD	Defendant	
09/03/2020	Case Management Statement (CM-110) Kaweah Delta Health Care, Inc.	Defendant	
08/25/2020	Courtesy Copy of Petition for Writ of Mandate and/or Prohibition filed with the Court of Appeal	Petitioner	Received on 08/25/2020
08/12/2020	Order On Def Mtn for Summary Judgement or The Alter	Plaintiff	
07/30/2020	Declaration of Service by Mail	Clerk	
07/27/2020	Reply brief to opposition to MSJ	Defendant	
07/27/2020	Response to undisputed material facts in opposition to MSJ	Defendant	
07/17/2020	Stipulation and Order to Cont Trial - Granted	Defendant	

07/17/2020	Statement of Evidence in support of opposition	Plaintiff
07/17/2020	Statement - Separate Statement in opposition to def. statement of undisputed material facts	Plaintiff
07/17/2020	Statement of Undisputed Facts in support of its opposition to the def. motion for summary judgment or in the alternative summary adjudication	Plaintiff
07/17/2020	Request for Judicial Notice in support of opposition to the defendants motion for summary judgment or in the alternative summary adjudication	Plaintiff
07/17/2020	Document Other Evidentiary objection to Declaration of Ware Kushner MD	Plaintiff
07/17/2020	Memorandum of Points and Authorities in support of Opposition to defendants motion for summary judgment	Plaintiff
05/07/2020	Statement of Evidence in Support of Motion for Summary Judgment/Adjudication	Defendant
05/07/2020	Statement of Undisputed Facts in Support of Summary Judgment/Adjudication	Defendant
05/07/2020	Memorandum of Points and Authorities in Support of Motion for Summary Judgment/Adjudication	Defendant
05/07/2020	Motion Summary Judgment/Adjudication and Notice of Motion	Defendant
05/07/2020	Request for Judicial Notice Summary Judgment/Adjudication	Defendant
11/12/2019	Answer To First Amended Complaint of Gregory Warner Md	Defendant
10/31/2019	Declaration of Service by Mail	Clerk
10/24/2019	Reply Defendant Gregory Warner, M.D.'S Reply	Defendant
10/24/2019	Deposit of Fees	Clerk

Filed	Description	Filed By	Tracking Info
10/24/2019	Notice - Other Deposit of Jury Fees		Plaintiff
10/16/2019	Case Management Statement (CM-110)		Defendant
10/16/2019	Memorandum of Points and Authorities		Plaintiff
10/16/2019	Case Management Statement (CM-110)		Plaintiff
10/15/2019	Case Management Statement (CM-110) obo Kaweah Delta Health Care Inc. dba Kaweah Delta Medical Center		Defendant
10/08/2019	Declaration of Service by Mail		Clerk
10/07/2019	Order Assignment Order for All Purposes		Clerk
10/02/2019	Notice of Hearing New Court Date		Clerk
10/02/2019	Peremptory Challenge (CCP 170.6) Accepted as to Judge Hillman		Plaintiff
09/18/2019	Order Assignment Order for All Purposes		Clerk
09/18/2019	Declaration of Service by Mail		Clerk
09/11/2019	Declaration of Michael T. Haw in Support of Defendant Gregory Warner, M.D.'S Demurrer to Plaintiffs' First Amended Complaint		Defendant
09/11/2019	Memorandum		Defendant
09/11/2019	Demurrer Notice of Hearing on Demurrer and Demurrer to Plaintiffs' First Amended Complaint By Defendant Gregory Warner, M.D.		Defendant
09/04/2019	Peremptory Challenge (CCP 170.6) Accepted		Defendant

Filed	Description	Filed By	Tracking Info
09/03/2019	Deposit of Fees	Clerk	
09/03/2019	Notice - Other Jury fee deposit obo Kaweah Delta Health Care District	Defendant	
09/03/2019	Designation of Trial Attorney Kaweah Delta Health Care District	Defendant	
09/03/2019	Answer Kaweah Delta Health Care District	Defendant	
08/20/2019	Motion Other for Peremptory Challenge and Supporting Declaration of William M. White 170.6 Judge Reed REJECTED	Defendant	
08/07/2019	Paperwork Return Letter	Clerk	Mail on 08/07/2019
08/07/2019	Complaint: Amended-First	Plaintiff	
08/07/2019	Summons (Issued) AMENDED	Clerk	
08/01/2019	Proof of Service served Gregory Warner, MD the S&C; ADR; Statement of Damages by SS	Plaintiff	Served on 07/22/2019
08/01/2019	Proof of Service served Kaweah Delta Health Care, INC dba Kaweah Delta Medical Center the S&C; ADR; Statement of Damages; by SS	Plaintiff	Served on 07/22/2019
06/24/2019	Declaration of Juana B Martinez as Successor in Interest	Plaintiff	
06/24/2019	Summons	Clerk	
06/24/2019	Complaint	Plaintiff	
06/24/2019	Civil Case Cover Sheet (CM-010)	Plaintiff	

